

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOSEPH P. LUCERO,**

**Petitioner,**

v.

**No. CV 11-163 LH/LAM**

**ERASMO BRAVO, et al.,**

**Respondents.**

**ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL**

**THIS MATTER** is before the Court on Petitioner's *Motion for the Appointment of Counsel* (Doc. 3), filed February 14, 2011. For the reasons set forth below, the Court **FINDS** that the motion is not well-taken and should be **DENIED** at this time.

Factors which the Court weighs when considering a motion for appointment of counsel include “the merits of the litigant’s claims, the nature of the factual issues raised in the claims, the litigant’s ability to present his claims, and the complexity of the legal issues raised by the claims.” *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)). See also *Hill v. Smithkline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). In considering Petitioner’s motion for the appointment of counsel, the Court has carefully reviewed the motion, relevant case law, and the pleadings filed in this case in light of the above-referenced factors. Having done so, the Court finds that Petitioner appears to understand the issues in the case and appears to be representing himself in an intelligent and capable manner. Therefore, his motion for the appointment of counsel will be **DENIED** at this time.

**IT IS THEREFORE ORDERED** that Petitioner's *Motion for the Appointment of Counsel* (Doc. 3) is **DENIED** at this time.

**IT IS SO ORDERED.**

*Lourdes A. Martinez*  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**